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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,799	01/30/2004	Rustom Sam Kanga	2156-088B	9336

7590 03/21/2005

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EXAMINER	
SCHILLING, RICHARD L	
ART UNIT	PAPER NUMBER
1752	

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/768 799

Applicant(s)

Kanga

Examiner

RL Schilling

Group Art Unit

1252

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 6-7-04 + 7-14-04
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-113 is/are pending in the application.
Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-113 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☒ The proposed drawing correction, filed on 7-14-04 is acceptable ☐ approved ☐ disapproved.
- ☒ The drawing(s) filed on 7-14-04 is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 6-7-04
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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1. Claims 12 and 32 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. There is no clear antecedent basis for the term "UV-curable elastomer" in claims 12 and 32 since parent claims 1 and 21 do not recite elastomers as being UV curable.

2. The non-statutory double patenting rejection, whether of the obvious-type or non-obvious-type, is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent.

In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); *In re Van Ornam*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); and *In re Goodman*, 29 USPQ 2d 2010 (Fed. Cir. 1993).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321 (b) and (c) may be used to overcome an actual or provisional rejection based on a non-statutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.78 (d).

Effective January 1, 1994, a registered attorney or agent of record may sign a Terminal Disclaimer. A Terminal Disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-51 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-48 of U.S. Patent No. 6,806,018. Although the conflicting claims are not identical, they are not patentably distinct from each other because the collapsible

curable layers of the instant claims include UV curable layers as in the U.S. patent and the laser absorber material of the instant claims includes the infrared dyes of the U.S. patent. UV curable elastomers and infrared dyes are disclosed in the instant application for the curable elastomer layers and laser absorbers and are also set forth in instant dependent claims 3, 9, 12, 17, 18, 23, 29, 32, 34 and 35.

3. Claims 52-113 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-48 of U.S. Patent No. 6,806,018 in view of Gelbart '529, Gelbart '659 and Cushner et al. The claimed invention in U.S. Patent 6,806,018 is directed to relief printing plates with collapsible layers containing microspheres and methods of making them having the same layer structures and compositions encompassed by instant claims 52-113. The difference between claims 52-113 and the claimed invention of the U.S. patent is the sleeve form of the printing plates required for instant claims 52-113. Gelbart '659 (see particularly column 4, lines 16-45; column 2, line 66 - column 3, line 67; column 6, lines 36-48) and Gelbart et al. '529 (see particularly column 2, line 35 - column 3, line 65; column 11, lines 4-66; column 6, lines 60-66) disclose relief printing plates comprising reliefs with microbubbles or microspheres formed by laser imaging as are

the relief plates in the U.S. patent wherein the two Gelbart patents disclose that the relief plates may be in the form of plates or sleeves and are preferably provided as seamless sleeves instead of flat plates for less distortion after mounting on printing cylinders. Cushner et al. (see particularly column 1, lines 55-65; column 17, line 64 - column 18, line 36) discloses that relief printing plates made from photopolymers can be used in sheet form or sleeve form with the sleeve form having advantages for mounting on laser exposure equipment. Therefore, it would be obvious to one skilled in the art to use the claimed printing plates and methods of making in U.S. Patent 6,806,018 in sleeve form for the advantages of less distortion after mounting as disclosed in the two Gelbart patents and for the ease of laser exposure, which the U.S. patent uses to collapse the curable layers in the claimed invention, as taught by Cushner et al.

4. The prior art submitted by applicants in the Information Disclosure Statement filed June 7, 2004 has been considered. The prior art cited in the parent application has also been considered.

5. Any inquiry concerning this communication should be directed to Mr. Schilling at telephone number (571) 272-1335.

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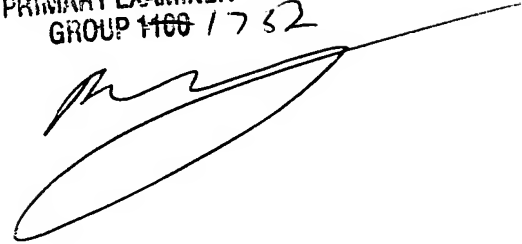
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RLSchilling:cdc

March 15, 2005

RICHARD L. SCHILLING
PRIMARY EXAMINER
GROUP 1100 1752

A large, stylized handwritten signature in black ink, likely belonging to Richard L. Schilling, is written over the printed text.